

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MASSACHUSETTS

Civil Action NO. 04-12101 NG

GAYLE L. BAILEY,
Plaintiff

vs.

UNITED STATES OF AMERICA,
And, MELISSA PARENT, in her
Official and Individual Capacity,
Defendant

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PLAINTIFF'S
AMENDED COMPLAINT

NOW COMES the Plaintiff, Gayle L. Bailey, and requests that this Honorable Court allow her amended complaint as a matter of course pursuant to Fed.R.Civ.P. 15(a).

I.

This action arises under the Federal Tort Claims Act, 28 U.S.C. § 2671, et. Seq., and this Court has jurisdiction under the provisions of 28 U.S.C. § 1346(b).

II.

The Plaintiff, Gayle L. Bailey (hereinafter "Bailey") is an individual residing at 47 Camden Street, Methuen, Essex County, Massachusetts and the cause on which this action is based arose in the City of Lowell, Middlesex County, Massachusetts. Thus, venue is properly laid in this Court.

III.

On March 12, 2002, Bailey was operating a 1999 Nissan Van in a northerly direction at the intersection of High and East Merrimack Streets in Lowell, Massachusetts. At the same time the Defendant, Melissa Parent (hereinafter "Parent"), was operating a 2000 Dodge automobile registration number G10-08021 owned by the United States Navy in an easterly direction on East Merrimack Street in Lowell, Massachusetts.

IV.

The Bailey vehicle and the Parent vehicle collided at the intersection of High and East Merrimack Streets causing extensive damage to the Bailey vehicle.

V.

Parent, the operator of the vehicle owned by the United States Navy was grossly negligent in failing to keep a proper lookout and in failing to take a reasonable avoidance action, or any action whatsoever, after she saw the Bailey vehicle in the intersection and, then otherwise failed to act prudently under the circumstances, all of which negligence and carelessness constituted the proximate cause of the collision.

VI.

As a direct result of the accident, Bailey sustained extensive injuries to her neck and left shoulder requiring surgery to alleviate the pain.

VII.

As a proximate result of these injuries, Bailey has endured and will continue to endure, agonizing pain and suffering, together with mental anguish.

VIII.

Plaintiff has expended, and will continue to expend throughout her lifetime, tremendous sums necessary for her medical expenses.

IX.

On March 2, 2004, Bailey submitted her claim, in the amount of \$100,000.00 to the United States Navy. On April 8, 2004, such claim was rejected by the United States Navy.

WHEREFORE, the Plaintiff, Gayle L. Bailey, requests that this Honorable Court grant judgment against the Defendants, the United States of America and Melissa Parent in her official capacity and her individual capacity and hold them jointly and severally liable as follows:

1. The sum of One Hundred Thousand (\$100,000.00) dollars for the Plaintiff for past, present and future medical expenses, lost wages, loss of future earnings and, for pain and suffering;
2. For costs incurred in this action; and
3. Such other relief as this Honorable Court deems just and proper.

RESPECTFULLY SUBMITTED

GAYLE L. BAILEY, Plaintiff

By Her Attorney,
MARIA MURBER

AND, Co-Counsel,
EUGENE C. JOHNSON

‘/s/Maria Murber’

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December 2, 2004